

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**JEFFERY WILLIAMS**

**PLAINTIFF**

**v.**

**No. 2:08CV207-WAP-DAS**

**“UNKNOWN” TAYLOR, ET AL.**

**DEFENDANTS**

**REPORT AND RECOMMENDATIONS**

The court takes up, *sua sponte*, the dismissal of this prisoner case filed pursuant to 42 U.S.C. § 1983. By Order (# 20) dated October 1, 2009, the court found that the plaintiff had failed to timely respond to the defendants’ motion for summary judgment and ordered the plaintiff to respond to said motion within ten days or risk dismissal of this case. A copy of the Order was mailed to the plaintiff at his last known address. Said mail has now been returned to the court marked “RETURN TO SENDER” and “NOT IN CUSTODY.”

Because the plaintiff has failed to keep the court informed of his current address, it will be impossible to communicate matters of scheduling to him and resolve this litigation in a timely manner. Furthermore, based upon the record of this case, namely the defendants’ assertion in their motion for summary judgment that the plaintiff has been released from custody, it appears the plaintiff has lost interest in this lawsuit. Therefore, it is my recommendation that this case be dismissed with prejudice for failure to prosecute under FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings,

conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 22nd day of October, 2009.

/s/ David A. Sanders  
UNITED STATES MAGISTRATE JUDGE